



Town Council Agenda Report

SUBJECT: Ordinance

CONTACT PERSON/NUMBER

Name: Mark A. Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)02-01, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-315.1, ENTITLED "EFFECTIVE DATES AND DURATION," TO DELETE THE TIME LIMITS OF A PLANNING AND ZONING IN PROGRESS; AMENDING SECTION 12-373, ENTITLED "EXPIRATION OF SITE PLAN," TO EXTEND SITE PLAN EXPIRATION DATES; AMENDING SECTION 12-308, ENTITLED "REVIEW FOR SPECIAL PERMITS," TO ESTABLISH NOTIFICATION PROCEDURES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The proposed ordinance is requesting three section changes to the Land Development Code: removing the time limit on a Planning and Zoning in Progress; extending the expiration date of site plans from 6 months to 12 months; and requiring that applicants for special permits be notified of Town Council action on same. These three (3) changes are being processed together since they all relate to procedural items found within Article X of the Land Development Code which have been problematic.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning board reviewed this item on March 8, 2000 and unanimously recommended Council approve the proposed text amendment provided the length of a planning and zoning in progress be approved in 12 month increments, by Town Council, with no maximum number of renewals.

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve the ordinance

Attachment(s): Ordinance with memo.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)02-01, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-315.1, ENTITLED "EFFECTIVE DATES AND DURATION," TO DELETE THE TIME LIMITS OF A PLANNING AND ZONING IN PROGRESS; AMENDING SECTION 12-373, ENTITLED "EXPIRATION OF SITE PLAN," TO EXTEND SITE PLAN EXPIRATION DATES; AMENDING SECTION 12-308, ENTITLED "REVIEW FOR SPECIAL PERMITS," TO ESTABLISH NOTIFICATION PROCEDURES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code; and

WHEREAS, the Town Council of the Town of Davie held a public hearing on April 5, 2000 in accordance with State law, to solicit input from the public on ZB(TXT) 02-01.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-315.1, Effective Dates and Duration, of the Town Code is amended to read as follows:

(A) *Effective date:* The restriction of such issuance, approval, or change of occupancy shall begin on the earlier of:

- (1) The date of notification to affected property owners of the proposed change; or
- (2) The date of the first publication of notice of a public hearing of the proposed change; or
- (3) The date of the first action by the town council to initiate the proposed change, which may include direction given to staff to prepare a study, ordinance or resolution for council consideration.

~~(B) *Duration:* The restriction of such issuance, approval, or change of occupancy shall continue for six (6) months; provided that such six-month period may be extended for an additional period of not more than six (6) months by resolution of the town council in the event that additional time is required for study and deliberation due to the scope of the changes, or arising out of procedural problems.~~

SECTION 2. That Section 12-373, Expiration of Site Plans, of the Town Code is amended to read as follows:

All site plans approved pursuant to this section shall expire twelve (12) ~~six (6)~~ months from the date of approval, which expiration shall automatically occur without further notice to the applicant for whom said plan was approved unless a Town of Davie construction permit is secured and maintained pursuant to the approved site plan. It is further provided

that one (1) renewal ~~up to two (2) renewal(s)~~ for an additional six-month period ~~(s)~~ may be obtained upon ~~proper~~ application to the Director of Development Services within thirty (30) days of expiration~~(s)~~ and payment of one-half of the fee that would be required if submitted as a new site plan, providing that the site plan shall be in compliance with any new ordinance or provision enacted since the original site plan approval.

SECTION 3. That Section 12-308, Review for Special Permit, of the Town Code is amended to read as follows:

(2) *Town Council Review:*

(e) In each case wherein action upon application for a special permit is taken by the council, the decision of the council shall be recorded in the minutes of its meeting, and thereafter an order shall be prepared and entered into evidence such decision, which shall set out with sufficient clarity the exact legal description of the land and premises affected, and the decision, including conditions, made by such council. One (1) copy of such order shall be kept by the town clerk to become a public record, (1) copy shall be kept by the development services department, and one (1) copy forwarded to the petitioner.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2000

PASSED ON SECOND READING THIS ____ DAY OF _____, 2000

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM **PZ 02-27-00**

TO: Robert C. Middaugh, Town Administrator

THRU: Mark Kutney, Development Services Director

THRU: Jeff Katims, AICP, Planning and Zoning Manager

FROM: Marcie Oppenheimer Nolan, AICP, Planner II

DATE: March 1, 2000

RE: Ordinance amending the Land Development Code

BACKGROUND

The proposed ordinance is requesting three section changes to the Land Development Code. These three (3) changes are being processed together since they all relate to procedural items found within Article X of the Land Development Code which have been problematic. These proposed changes are:

1. Planning and Zoning in Progress

The proposed change is to eliminate the current maximum twelve (12) month duration of a planning and zoning in progress. According to the Town Attorney, there is no legal requirement for a specified duration of planning and zoning in progress. Court decisions govern the appropriateness of their duration. This change is consistent with most municipalities in Broward County.

2. Site Plans

The proposed change is to extend the expiration date of a site plan from six (6) months to twelve (12) months from the date of approval, with one six (6) month extension allowed. This provides an applicant a more realistic timeframe for receiving a building permit after site plan approval. Prior to the issuance of a building permit, a comprehensive review must be completed by several outside review agencies. Some of these agencies may take longer than the existing six (6) month timeframe to approve and sign-off on permits, necessitating site plan extensions. This change is consistent with most municipalities in Broward County.

3. Special Permits

This proposed change will provide written notification, similar to notification for a variance, to an applicant who has applied for special permit approval. Currently, upon approval or denial of a special permit application, staff notifies the applicant with the minutes of the meeting of the Commission. The proposed change will provide the applicant with a final order

from the Town specifying the Town Council disposition of the special permit request, including, any conditions that may be approved by Council.

RECOMMENDATION

Staff recommends Council adopt the proposed Land Development Code changes.